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21 Attorneys for Defendant THE REGENTS OF
22 THE UNIVERSITY OF CALIFORNIA

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24 UNITED STATES DISTRICT COURT
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26 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

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28 KIARA ROBLES,
1 Plaintiff,
2 vs.
3 IN THE NAME OF HUMANITY, WE
4 REFUSE TO ACCEPT A FASCIST
5 AMERICA (A.K.A. ANTIFA), et al.,
6 Defendants.

7 Case No. 4:17-cv-04864 CW

8
9 DEFENDANT THE REGENTS OF THE
10 UNIVERSITY OF CALIFORNIA'S
11 ADMINISTRATIVE MOTION TO
12 CONTINUE CASE MANAGEMENT
13 CONFERENCE

14 Judge: Hon. Claudia Wilken

1 Defendant The Regents of the University of California (“The Regents”) files this
 2 administrative motion pursuant to Civil Local Rules 6-3 and 7-11 to continue the Case
 3 Management Conference presently set for February 27, 2018 at 2:30 p.m. to April 26, 2018 at 2:30
 4 p.m.

5 This is the second action that Plaintiff Kiara Robles has filed against The Regents based on
 6 the same events and legal theories. Plaintiff alleges that she was injured during the protests that
 7 occurred prior to a scheduled speech by Milo Yiannopoulos at the University of California’s
 8 Berkeley campus. According to Plaintiff, certain Defendants directly attacked her during the
 9 protests, and they allegedly did so at the direction of and in concert with other Defendants,
 10 including The Regents. In the first action, The Regents filed a motion to dismiss, as did the City
 11 of Berkeley. Before the Court decided those motions, Plaintiff voluntarily dismissed the action
 12 hours after the Court denied Plaintiffs’ request for Judge Wilken to voluntarily recuse herself from
 13 the action. Plaintiff then filed this action alleging nearly identical claims and unsuccessfully
 14 attempted to have it heard by a different judge.

15 In this action, as in the first one, The Regents is unquestionably immune under the
 16 Eleventh Amendment from Plaintiff’s claims, *see Doe v. Lawrence Livermore Nat'l Lab.*, 131
 17 F.3d 836, 838-39 (9th Cir. 1997), and it has filed a motion to dismiss on that basis and others. The
 18 City of Berkeley has also moved to dismiss. In light of the pending motions and The Regents’
 19 clear immunity, it would be wasteful and inefficient to proceed with the initial Case Management
 20 Conference or the associated Rule 26(f) joint report.

21 The Court granted The Regents’ November 27, 2017 Administration Motion to Continue
 22 CMC (Dkt. 34), in light of these pending motions to dismiss on December 1, 2017 (Dkt. 37). The
 23 Regents once more respectfully requests that the Court continue the Initial Case Management
 24 Conference and related deadlines by sixty days in light of the pending motions to dismiss. The
 25 Regents sought a stipulation to continue the Case Management Conference for that reason, but
 26 Plaintiff did not consent. (Declaration of Bryan H. Heckenlively ¶ 3.)¹ Accordingly, The Regents

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 28 ¹ The other Defendants that have appeared in the case, the City of Berkeley and Ian Miller, have
 both consented to a continuance. (Declaration of Bryan H. Heckenlively ¶ 3.)

1 requests that the Court continue the Case Management Conference until April 26, 2018 or a later
2 date convenient to the Court pending the Court's ruling on the motions to dismiss filed by The
3 Regents and the City of Berkeley.

4 DATED: January 25, 2018

MUNGER, TOLLES & OLSON LLP

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7 ELIZABETH A. KIM

8 By: /s/ Bryan H. Heckenlively

9 BRYAN H. HECKENLIVELY

10 Attorneys for The Regents of the University of
California

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